

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Eureka School District
Accountability Review - Monitoring Report 2012-2013**

Team Members: Linda Shirley, Team Leader; Chris Sargent, Educational Specialist

Dates of On Site Visit: March 12, 2013

Date of Report: April 25, 2013

All non-compliance must be corrected within 1 year of this report date.

Date Closed:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Division of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Division of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

24:05:25:04.03. Determination of eligibility. Upon completing the administration of assessments and other evaluation measures as required by this chapter, the individual education program team and other qualified individuals required by § 24:05:25:04.02 shall determine whether the student is a student with a disability, and shall determine the educational needs of the child, as defined in this article. The school district shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent. A student may not be determined to be a student with a disability if the determinant factor for that decision is lack of appropriate instruction in reading, including the essential components of reading instruction as defined in ESEA, or lack of appropriate instruction in math or limited English proficiency and if the student does not otherwise meet the eligibility criteria under chapter § 24:05:24.01.

ARSD 24:05:27:01.03. Content of individualized education program. Each student's individualized education program shall include: (3) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student: (a) To advance appropriately toward attaining the annual goals; (b) To be involved and make progress in the general education curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and (c) To be educated and participate with other students with disabilities and nondisabled students in the activities described in this section;

Prong 1: Correct each individual case of noncompliance

Timeline for Completion: (50) calendars day from the report date listed above.

| Student: | Required Action: | Data To Be Submitted: |
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| Student File # 2: This student was reported on child count under the category of Specific Learning Disability (525). The student's achievement scores from the KTEA did not support the disability of oral expression. A language score from the TOLD-I was used to determine SLD. The student would qualify for Language (550) with the scores reported in the language report. | The IEP team will meet and determine eligibility in the correct category. There must be a copy of all evaluation reports, prior notices and an MDT. The IEP will be amended if needed. | <ol style="list-style-type: none"> 1. Copy of prior notice for meeting 2. Copy of MDT 3. Copy of IEP 4. Copy of Prior Notice |

Date Data Submitted:
Status:

| Student: | Required Action: | Data To Be Submitted: |
|---|--|---|
| Student File # 4: This student was reported on child count under the category of Autism (560). In the evaluation process an autism specific instrument was not used for eligibility. An Asperger scale was used to determine eligibility. | The district must acquire consent to conduct evaluations to ensure a comprehensive evaluation is completed for each category of suspected disability for each student. Evaluation reports must be written and copies provided to parents. The IEP team must meet to determine eligibility, and write a new IEP if needed to reflect current evaluation and eligibility data. | <ol style="list-style-type: none"> 1. The prior notice/consent for evaluation 2. Copies of <u>all</u> the evaluation reports including skill based assessment . 3. Copy of the prior notice for the eligibility/IEP meeting 4. Copy of the MDT/eligibility document and; 5. Copy of the IEP 6. Copy of Prior notice |

Date Data Submitted:
Status:

| Student: | Required Action: | Data To Be Submitted: |
|---|---|--|
| Student File #3: This student was reported on child count under the category of Other Health Impaired (555). There were no skill based assessments completed for behaviors. Description of services stated Math Reasoning/Problem Solving 100 minutes a week. Behaviors are not addressed in the services to be provided. The justification statement did not address the extent, if any, the child would not participate with non-disabled peers in regular classes. | The district must acquire consent to conduct additional evaluation to ensure a comprehensive evaluation is completed for each category of suspected disability for each student. Skill based assessments must be given for each area the student qualifies for. Evaluation reports must be written and copies provided to parents. The IEP team must meet amend the current IEP or write a new IEP. | <ol style="list-style-type: none"> 1. The prior notice/consent for evaluation 2. Copies of <u>all</u> the evaluation reports including skill based assessment. 3. Copy of the prior notice for the eligibility/IEP meeting 4. Copy of the MDT/eligibility document if needed and; 5. Copy of the IEP 6. Copy of Prior Notice |

Date Data Submitted:
Status:

Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.

Required Action:

The district must review and update its policy, procedure and practice regarding the following:

- Defining the team who will determine if evaluation is necessary and determination of suspected category(s) of disability.
- Individuals responsible for the completion of prior notice/consent and evaluations needed for the purpose of determining eligibility.
- Development of evaluation reports that must be provided to parents including administering and reporting skill based assessment.
- Determining eligibility and completing the eligibility documents.
- Developing an IEP that provides educational benefit.

Data To Be Submitted:

Each teacher who was the case manager for these students will submit an initial or reevaluation with the following documentation:

1. Referral document if applicable
2. The prior notice/consent for evaluation
3. Copies of **all** the evaluation reports including skill based assessment and transition if applicable
4. Copy of the prior notice for the eligibility/IEP meeting/transfer
5. Copy of the MDT/eligibility document and;
6. Copy of the IEP

State Performance Plan - Indicator 3: Participation and performance of children with disabilities on statewide assessments.

1. Percent of districts meeting State's AYP objectives for progress for disability subgroup.
2. Participation rate for children with IEPs in a regular assessment with not accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.
3. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

Prong 1: Correct each individual case of noncompliance

Through a review of student files, data gathered by the team indicated accommodations/modifications were not consistently provided, used for instruction during the assessment administration or documented appropriately.

| Student: | Required Action: | Data To Be Submitted: |
|--|--|---|
| # 5,6 | <p>Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.</p> <p>Activity/Procedure:</p> <ol style="list-style-type: none"> 1. The district will review current policy/procedure to determine why discrepancies are occurring. 2. Develop a process that will allow for the appropriate documentation and provision of accommodations for state/district assessments. 3. Train IEP staff and testing coordinator in the procedures/process. 4. Implement procedures and collect data to verify accommodation are appropriately documented and provided during state/district assessments. | <p>The district will collect and submit to SEP the following data:</p> <ol style="list-style-type: none"> 1. Written description of the districts review process to identify why the discrepancies are occurring. 2. Written description of the process the district will implement to correct the discrepancies. 3. Training documentation to include the date staff training occurred, name of individual who provided the training and sign-in sheet with the names of all participants/position titles, who attended the training. |
| Timeline for Completion: May 15, 2013 | | |

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| Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data. |
| Required Action: Implement policy/procedure/practice identified in Prong #1. |
| Data To Be Submitted: Data submitted for Prong #1 will be used to verify correction. |
| Target Date for Completion: |
| Date - Status Report: |

State Performance Plan – Performance Indicators

Indicator 8: Parent involvement: percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. (L = Response rate less than 15% of December 1, 2008 child count)

State Target 64.20 or higher

District Rate: 70.00

District Response:

We have parents fill out the evaluation form immediately following any meeting at our school.